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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,176	11/10/2003	James R. Williams		4643

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EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,176

Applicant(s)

WILLIAMS ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,5,10,11 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-9 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicants' election of Invention I, claims 1-16 and Species II, claims 1, 3, 6-9 and 12-16 in the replies filed on December 15, 2005 and May 27, 2005 is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 2, 4, 5, 10, 11 and 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions and species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Godbersen '622.

With respect to claim 1, Godbersen '622 shows a ground engaging agricultural toolbar 30 comprising:

(a) a first bar section 77,69;

(b) first means 41,42 coupled to the first bar section 77,69 for engaging the ground;

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(c) a second bar section 149,151 pivotably coupled via 44a to the first bar section 77,69;

(d) second means 148,157 coupled to the second bar section 149,151 for engaging the ground;

(e) means 179 (Fig. 12) coupled between the first bar section 77,69 and the second bar section 149,151 for buffering pivoting of the first bar section 77,69 relative to the second bar section 149,151 in response to the first ground engaging means 41,42 and the second ground engaging means 148,157 engaging uneven terrain.

As to claim 12, Godbersen '622 shows a third bar section 197 pivotably coupled to the first bar section 77,69.

Regarding claim 15, Godbersen '622 shows means 49 for raising the first ground engaging means 41,42 off the ground (note col. 3, lines 56-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen '622 in view of Japanese reference '453.

Godbersen '622 shows the toolbar 30 as noted.

Claim 3 distinguishes over Godbersen '622 in requiring the buffering means to be a linear actuator.

Japanese reference '453 discloses a buffering material 31 in a linear actuator 20 in the abstract thereof.

It would have been obvious at the time the invention was made to have utilized a linear actuator as the buffering means in Godbersen '622 as disclosed in Japanese reference '453 for greater buffering stability.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen '622 in view of Friggstad '689.

Godbersen '622 shows the toolbar 30 as noted.

With respect to claim 7, the buffering means 179 is means 179 for buffering pivoting of the first bar section 77,69 relative to the second bar section 149,151 along the first degree of freedom (unnumbered).

The claims distinguish over Godbersen '622 in requiring (1) the first bar section to be pivotably coupled to the second bar section along a first degree of freedom and along a second degree of freedom (as required in claim 6); (2) means coupled between the first bar section and the second bar section for retracting the first bar section toward the second bar section along the second degree of freedom (as required in claim 8); and (3) the retracting means to be a hydraulic cylinder (as required in claim 9).

Friggstad '689 shows (1) a first bar section 11 being pivotably coupled to the second bar section 12 along a first degree of freedom (axis "B" in Fig. 10) and along a second degree of freedom (axis "A" in Fig. 10) (as required in claim 6); (2) means 97 coupled via 95,100 between the first bar section 11 and the second bar section 12 for retracting the first bar section 11 toward

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the second bar section 12 along the second degree of freedom (axis "A") (as required in claim 8); and (3) the retracting means 97 being a hydraulic cylinder (as required in claim 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the toolbar of Godbersen '622 with the structure noted in Friggstad '689 for greater versatility of use.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen '622 in view of Friggstad '689.

Godbersen '622 shows the toolbar 30 as noted.

The claims distinguish over Godbersen '622 in requiring (1) the second bar section and the third bar section to be pivotably coupled to the first bar section along a first degree of freedom and along a second degree of freedom (as required in claim 13) and (2) the first degree of freedom to be about a ninety-degree angle from the second degree of freedom (as required in claim 14).

With respect to (1), Figgstad '689 shows a second bar section 12 (left side of Fig. 1) and the third bar section 12 (right side of Fig. 1) being pivotably coupled to the first bar section 11 along a first degree of freedom (axis "B" in Fig. 10) and along a second degree of freedom (axis "A" in Fig. 10) (as required in claim 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the toolbar of Godbersen '622 with the structure noted in Friggstad '689 for greater versatility of use.

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As to (2), the selection of a specific angle of the first degree of freedom with respect to the second degree of freedom of about a ninety-degree angle merely represents an obvious choice of engineering design for optimum performance of the toolbar.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a ninety-degree angle for the selection of a specific angle of the first degree of freedom with respect to the second degree of freedom for the reason noted.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godbersen '622 alone.

Godbersen '622 shows the toolbar 30 as noted.

With respect to claim 16, Godbersen '622 shows the raising means 49 to be a hydraulic cylinder 173 coupled to the first bar section 77,69.

Claim 16 distinguishes over Godbersen '622 in requiring the hydraulic cylinder to be coupled between the first bar section and an agricultural vehicle.

However, this limitation is met when an agricultural vehicle is parked to the left of 30 in Figs. 2 and 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have parked an agricultural vehicle to the left of 30 in Figs. 2 and 3 (thereby meeting the limitation noted in claim 16) since it is notoriously old and common to use agricultural vehicles in agricultural work.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese reference '944 discloses the use of a fluid buffering mechanism in the abstract thereof.

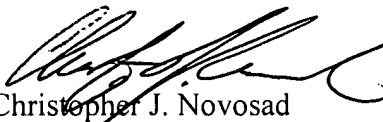
Perrenoud, Jr. '028 discloses the use of a hydraulic cylinder as a buffering means and also discloses the use of a fluid pump coupled to a hydraulic cylinder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3671

January 12, 2006